



Fact Sheet: Executive Order 13201 - The Beck Poster

Executive Order 13201 (E.O. 13201) requires certain Government contracts and subcontracts to include an employee notice clause requiring non-exempt Federal contractors and subcontractors to post notices (the Beck poster) informing their employees that they have certain rights related to union membership and use of union dues and fees under Federal law.

What are these employee rights?

Under Federal law employees cannot be required to join a union or maintain membership in a union to retain their jobs. Employees who are subject to a union security clause and choose not to be union members may object to the use of their compulsory union dues and fees for union expenditures that are not related to representational activities such as collective bargaining, contract administration, and grievance adjustment. Employees who object to paying for non-representational activities may be entitled to a refund and appropriate reduction of future payments.

What is the definition of government contract under E.O. 13201 and the implementing regulations?

Government contract means any agreement or modification thereof between any contracting agency and any person for the purchase, sale, or use of personal property or non-personal services. The term "personal property" includes supplies, and contracts for the use of real property (such as lease arrangements), unless the contract for the use of real property itself constitutes real property (such as easements). The term "non-personal services" includes, but is not limited to, utilities, construction, transportation, research, insurance, and fund depository. The term "government contract" does not include (a) agreements in which the parties stand in the relationship of employer and employee and (b) Federally assisted contracts.

What is the definition of subcontract under E.O. 13201 and the implementing regulations?

Subcontract means any agreement or arrangement between a contractor and any person (in which the parties do not stand in the relationship of an employer and an employee): (a) for the purchase, sale, or use of personal property or non-personal

services which, in whole or in part, is necessary to the performance of any one or more contracts; or (b) under which any portion of the contractor's obligation under any one or more contracts is performed, undertaken, or assumed.

Are there exceptions to the requirement?

Yes. The employee notice clause does not have to be included in government contracts for purchases below the Simplified Acquisition Threshold (currently \$100,000). The posting requirement does not apply to: contractors with fewer than 15 employees; contractor establishments or construction work sites where no union has been formally recognized by the prime contractor or certified as the exclusive bargaining representative of the prime contractor's employees; contractor establishments where state law forbids enforcement of union-security clauses ("right-to-work" states); or work performed outside the United States that does not involve the recruitment or employment of workers within the United States.

Must a contractor post the notice at worksites where no work is performed under Government contracts?

Yes, unless the contractor makes a written request to the Office of Labor-Management Standards (OLMS) and is granted a waiver of the posting requirement for facilities that are in all respects separate and distinct from activities of the contractor related to the performance of a contract.

What contracts are covered by E.O. 13201?

E.O. 13201 covers Government contracts entered into on or after April 28, 2004, that resulted from solicitations issued on or after April 18, 2001.

How will employers be able to obtain copies of the Beck poster?

Posters can be downloaded from the OLMS Web site at www.olms.dol.gov, are available at any OLMS or Office of Federal Contract Compliance Programs (OFCCP) field office, by emailing OLMS-Public@dol.gov, or by calling 1-800-4-US-DOL.

How will the Department determine whether a contractor is in compliance with E.O. 13201?

The Deputy Assistant Secretary for Federal Contract Compliance may conduct a compliance evaluation to determine whether a contractor holding a nonexempt contract is in compliance with the requirements of E.O. 13201 and the implementing regulations. Such an evaluation may be limited to compliance with E.O. 13201 or may be included in a compliance evaluation conducted under other laws, executive orders, and/or regulations enforced by the Department of Labor.

What are the procedures for filing a complaint?

An employee of a covered contractor may file a complaint alleging that the contractor has failed to post the employee notice as required by E.O. 13201 and the implementing regulations; and/or has failed to include the employee notice clause in nonexempt subcontracts or purchase orders. Complaints may be filed with OLMS or OFCCP at 200 Constitution Avenue, NW, Washington, DC 20210, or with any OLMS or OFCCP field office.

Is more information on E.O. 13201 available?

Information on E.O. 13201 has been posted on the OLMS Web site at www.olms.dol.gov including the Final Rule, FAQs, the Executive Order and Adobe® Reader® (.pdf) versions of the poster.

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